



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

**MARCH 13, 2006**

*Commissioner Tom Moss, Chairman  
Commissioner Joe Ford, Chairman Pro Tempore  
Commissioner Marilyn Loeffel  
Commissioner George Flinn  
Commissioner John Willingham  
Commissioner Walter Bailey, Jr.  
Commissioner Julian T. Bolton*

*Commissioner Deidre Malone  
Commissioner Michael Hooks  
Commissioner Cleo Kirk  
Commissioner Joyce Avery  
Commissioner David Lillard  
Commissioner Bruce Thompson*

**1:30 P.M.**

**COMMISSION CONVENES**

**CALL TO ORDER**

**INVOCATION**

**Dr. R. Mark Matheny  
St. Luke's United Methodist Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **Approval of Minutes of Previous Sessions**

**KIRK  
ADOPTED**

**February 20, 2006**

## **C O N S E N T   A G E N D A**

### **Resolutions of Memorial, Sympathy and Commendation**

**HOOKS  
ADOPTED**

- 1. Memorial Resolution in honor of retired United States District Court Judge Odell Horton.**

**MALONE  
ADOPTED**

- 2. Memorial Resolution honoring the legacy of Mrs. Coretta Scott King.**

**MALONE  
ADOPTED**

- 3. Resolution commending the Central High School Dance Team.**

### **Ordinances**

### **Zoning and Subdivisions**

**AVERY  
ADOPTED  
(A-E)**

4. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

### **Reports and/or Resolutions of Standing Committees**

**KIRK  
ADOPTED**

5. Resolution approving expenditure of funds in the amount of \$51,577.00 to Coleman Technologies, Inc., for the purchase of computer network hardware for the Register of Shelby County.

**KIRK  
ADOPTED**

6. Resolution to convey one delinquent tax parcel to the City of Memphis for the use and benefit of the Division of Housing and Community Development for redevelopment in the Uptown Redevelopment Project.

**KIRK  
ADOPTED**

7. Resolution amending the contract with Chicago Title Insurance Company increasing the maximum amount from \$150,000.00 to \$200,000.00 for additional title searches.

**LILLARD  
ADOPTED**

8. Resolution authorizing Amendment Number 4 to Contract Number CA992518 with Fisher & Arnold, Inc., for the design of Fite Road from U.S. Highway 51 to Woodstock Boulevard.

**LILLARD  
(DEFERRED  
TO 03/27/06)**

9. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$330,299.00 to Homer Skelton Ford for the purchase of eight (8) Expeditions, one (1) Crew Cab Pickup Truck and one (1) Extended Cab Truck for the District Eleven Department of Homeland Security.

**LILLARD  
ADOPTED**

10. Resolution Approving Expenditure of Funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$204,027.17 to Motorola for the purchase of radios and microphones for District Eleven.

**LILLARD  
ADOPTED**

11. Resolution Amending the Fiscal Year 2005/2006 Operating Budget for the Division of Public Works, Department of Homeland Security 2003 Urban Area Security Initiative Grant in the Amount of \$117,160.60.

**LILLARD  
(DEFERRED  
TO 03/27/06)**

12. Resolution Approving Expenditure of Funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the Amount of \$59,914.00 to Homer Skelton Ford for the Purchase of two (2) 2006 Ford Expeditions for the Memphis and Shelby County Health Department.

**LILLARD  
ADOPTED**

13. Resolution appropriating funds in the amount of \$98,000.00 from the FY 2005/2006 Budget for Project #100158, Big Creek Millington, for the county's share of funding of a contract between Shelby County, the Department of the Army and the Chickasaw Basin Authority for the Big Creek Drainage Feasibility Study.

**LILLARD  
ADOPTED**

14. Resolution to appropriate funds in the amount of \$650,000.00 for acquisition and closing costs of right-of-way for Houston Levee Road from the Wolf River Bridge to Macon Road from the FY 2005/2006 CIP Budget for Project Number 100130, Houston Levee Road.

**LILLARD  
ADOPTED**

15. Resolution authorizing the Shelby County Division of Public Works to further continue the application process to Tennessee Department of Environment and Conservation, in partnership with the City of Memphis, to begin in FY 2006/2007 a one-time funding of \$500,000.00, and an average of \$80,000.00 per year thereafter, for operations of the aforementioned Household Hazardous Waste Program and to establish an Operations and Maintenance account regarding the collection and proper disposal of household hazardous waste contingent on the state's approval of the \$500,000.00 grant.

**AVERY  
ADOPTED**

16. Resolution to amend the FY 2005/2006 Shelby County Operating Budget to allow full expenditure of SAMHSA Grant proceeds.

**AVERY  
ADOPTED**

17. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$3,278,600.00 to operate the WIC Program for the period October 1, 2005 through September 30, 2006, and amend the FY 2005/2006 Operating Budget, and to amend the FY 2005/2006 Position Control Budget and to add one (1) new position.

**THOMPSON  
ADOPTED**

18. Resolution appropriating funds in the amount of \$1,292,473.00 to purchase (70) 2006 model replacement vehicles from Bill Heard Chevrolet Co., Chuck Hutton Chevrolet Co., and Gossett Motor Cars, Inc., for the Sheriff's office.

**THOMPSON  
ADOPTED**

19. Resolution amending the FY 2005/2006 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee Department of Transportation – Governor's Highway Safety Office for Police Traffic Services Program in the amount of \$10,000.00.

**THOMPSON  
ADOPTED**

20. Resolution approving expenditure of funds to purchase one hundred (100) 40-Caliber SIG Sauer Semi-Automatic Pistols with accessories by Shelby County Government from Southern Belle Brass Inc., in the amount of \$59,200.00 for the Sheriff's Office.

- |                             |  |
|-----------------------------|--|
| <b>THOMPSON<br/>ADOPTED</b> | 21. Resolution approving contract agreement with Shelby County Schools for the Safe Schools/Healthy Students Grant in the amount of \$53,030.00. This project is funded by the Office of Juvenile Justice, Department of Education and Department of Health and Human Services for the period of October 1, 2005 through September 30, 2006. |
| <b>THOMPSON<br/>ADOPTED</b> | 22. Resolution approving a contract with Wagner General Construction, Inc., and appropriating funds in the amount of \$234,570.00 from C.I.P. #101524 for expansion of the Communications Shop Building.   |
| <b>THOMPSON<br/>ADOPTED</b> | 23. Resolution amending the FY2005/2006 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the Assisi Foundation for the Shelby County Safe Haven Initiative for federal fiscal year 2006 in the amount of \$30,350.00.  |
| <b>THOMPSON<br/>ADOPTED</b> | 24. Resolution for approval of application and eligibility for Tennessee Correctional Services to provide a driver education course program as may be mandated by the courts of Shelby County, Tennessee, pursuant to the provisions of Tennessee Code Annotated Section 55-10-301.  |
| <b>MALONE<br/>ADOPTED</b>   | 25. Resolution approving the amendment to the agreement with Memphis City Schools increasing the funding amount by \$30,655.00 for the period August 1, 2005 through May 31, 2006.   |
| <b>FLINN<br/>ADOPTED</b>    | 26. Resolution rescinding previously approved resolution approving Homestead Program transfer of properties and reassigning properties to the Real Estate Office for Sale.   |
| <b>FLINN<br/>ADOPTED</b>    | 27. Resolution to transfer title of Homestead Program property pursuant to the terms and conditions as outlined in the governing Homestead Agreement.  |
| <b>FLINN<br/>ADOPTED</b>    | 28. Resolution amending previously approved Resolution #14, adopted March 10, 2003, said resolution to be amended by changing the name of the applicant on Homestead parcels from North Memphis CDC, Kevin Winbush, President, to Vision Builders, Alandas Dobbins, Manager.   |
| <b>MALONE<br/>ADOPTED</b>   | <b>CONSENT AGENDA</b>  |

## **R E G U L A R   A G E N D A**

**Elections, Appointments, and Confirmations**

- MALONE  
ADOPTED

29. Resolution approving the County Mayor’s nomination of Pamela Z. Clary and E. Michael Yarber for appointment to the Shelby County Housing Authority.
- MALONE  
ADOPTED

30. Resolution approving the County Mayor’s nomination of Gary L. Burhop and Jacqueline L. Nesbit for reappointment to the Shelby County Health, Education, and Housing Facility Board.
- MALONE  
ADOPTED

31. Resolution approving the County Mayor’s nomination of Ronne’ Adkins for reappointment and Charles A. Wood for appointment to the Municipal Solid Waste Region Board.
- MALONE  
ADOPTED

32. Resolution approving the County Mayor’s nomination of William E. Powell for reappointment to the Shelby County Retirement Board.

**Ordinances**

- THOMPSON  
ADOPTED

33. **ORDINANCE – THIRD READING** – An Ordinance to amend Ordinance No. 260 entitled “An Ordinance to amend Chapter 7, Article XI of the Code of Ordinances of Shelby County, Tennessee”, relative to police emergency alarm services.

**Zoning and Subdivisions**

- AVERY  
ADOPTED

34. **CASE NO. P.D. 05-383 CC**  
**APPLICANT:** Michael A. Lightman, Robert T. Levy & John R. Lightman, Trustee  
  
**LOCATION:** North side of Centennial Drive; ±200 feet west of Hacks Cross Road  
  
**REQUEST:** A planned development amendment to allow motor vehicle services in Area ‘D’ of the Outline Plan.  
  
Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL WITH CONDITIONS  
  
Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS  
  
(Notice of public hearing published in the Daily News on Friday, March 3, 2006.)

**Reports and/or Resolutions for Standing Committees**

**KIRK  
(DEFERRED  
TO 03/27/06)**

35. Resolution amending the FY 2006 Salary Policy adopted as Item 30 on July 11, 2005, to provide a general increase for elected constitutional officers of Shelby County.

**BAILEY  
(DEFERRED  
TO 03/27/06)**

36. A resolution amending the CIP Budget for 2005-2006 and appropriating \$3,000,000.00 to Shelby County Schools for additions to and/or construction of permanent school facilities in the southeast area of Shelby County to relieve critical overcrowding of schools in that area; and further amending the CIP budget and appropriating to Memphis City Schools an additional sum of \$7,750,000.00 (estimated) for the ADA share and waiving the requirement for approval by the Needs Assessment Committee.

**BAILEY  
ADOPTED**

37. Resolution to appropriate \$50,000,000 to the schools in accordance with the Joint Funding Agreement from the FY 2006 Capital Improvement Program.

**WILLINGHAM  
ADOPTED**

38. Resolution to approve contract and expenditure of funds to Diebold Election Systems, Inc., for the purchase of the Accuvote TSX voting system in the amount of \$4,213,860.26 and the electronic poll book and voter verifiable audit trail in the amount of \$2,245,353.15 from the FY 2006 CIP Budget and to amend the FY 2006 CIP budget.

**BOLTON  
(DEFERRED)  
TO 03/27/06)**

39. Resolution to rescind Item No. 21 Adopted by the Board County Commissioners of Shelby County, Tennessee, on January 24, 2005, and requesting the Shelby County Legislative Delegation to withdraw their support in the Tennessee General Assembly of a Legislative Bill entitled "An Act to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 5, Relative to a Tax on the Privilege of Recording Transfers of Realty".

**BOLTON  
ADOPTED**

40. Resolution by the Board of County Commissioners of Shelby County, Tennessee, expressing support for legislation to address predatory lending to the extent as set forth in this resolution.

#### **Announcements/Statements**

41. Notification from County Mayor of various appointments and reappointments to boards, commissions, and offices of Shelby County Government.
- a.) Nomination of Kurt Clayton, Cameron A. Mann, and Jodie Vance for appointment to the Memphis and Shelby County Music Commission.
- b.) Nomination of Joyce M. Blackmon for reappointment to the Shelby County Film and Television Commission.

### **Adjournment**

**MALONE  
ADOPTED**

- 42. Resolution of Adjournment to March 27, 2006, at 1:30 p.m.**

**AGENDA # 4**  
**DATE: MARCH 13, 2006**

**4A**

**SUBDIVISION: BARRETT CREEK SUBDIVISION (FORMERLY BREWER CREST ESTATES) (S 97-046 CO)**

**DEVELOPER: VOLUNTEER PROPERTIES, INC.**

**ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO BARRETT CREEK SUBDIVISION (FORMERLY BREWER CREST ESTATES) (S 97-046 CO)**

**LOCATION: WEST OF BRUNSWICK ROAD AT GODWIN ROAD**

**4B**

**SUBDIVISION: CARLTON RIDGE P.D. (P.D. 01-338 CC)**

**DEVELOPER: RUSCO COMPANY**

**ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO CARLTON RIDGE P.D. (P.D. 01-338 CC)**

**LOCATION: NORTH SIDE OF MACON ROAD; ± 1063 FEET EAST OF HOUSTON LEVEE ROAD**

**4C**

**SUBDIVISION: GERLAND CREEK P.D., PHASE 9, PART OF PARCELS 3, 4 AND 5 (P.D. 92-349 CC)**

**DEVELOPER: WHISPER RIDGE, GP**

**ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO GERLAND CREEK P.D., PHASE 9, PART OF PARCELS 3,4 AND 5 (P.D. 92-349 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED**

**LOCATION: NORTHSIDE OF SHELBY DRIVE; ± 1,543 FEET WEST OF HACKS CROSS ROAD**

**4D**

**SUBDIVISION: OLD OAKS SUBDIVISION (S 05-059 CC)**

**DEVELOPER: WALKER & WALKER ENTERPRISES, LLC**

**ACTION: RESOLUTION TO APPROVE THE PLAT FOR OLD OAKS SUBDIVISION (S 05-059 CC) AND AUTHORIZE THE RECORDING OF THE PLAT**

**LOCATION: NORTH SIDE OF MONTEREY ROAD; ± 3,174 FEET WEST OF RIED HOOKER ROAD.**



**AGENDA # 4**  
**DATE: MARCH 13, 2006**

**4E**

**SUBDIVISION: WINDSOR PARK SUBDIVISION, SECTION A (S 98-034 CO)**

**DEVELOPER: WINDSOR PARK PARTNERS**

**ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO WINDSOR PARK SUBDIVISION, SECTION A (S 98-034 CO) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED**

**LOCATION: NORTH SIDE OF ELLIS ROAD; ± 944.6 FEET WEST OF BRUNSWICK ROAD**

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]